

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

HENRY TIMBERLAKE DUNCAN,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-11100

WESTERN REGIONAL JAIL;  
ADMINISTRATOR CRAWFORD;  
ADMINISTRATOR KING;  
CORRECTIONAL OFFICER DAMERON;  
CORRECTIONAL OFFICER JUSTIN JONES;  
CORRECTIONAL OFFICER JAROD MARTIN;  
and SERGEANT BRIAN STEPHENS,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant the Western Regional Jail's Motion to Dismiss; dismiss the complaint against the Western Regional Jail; and remove the Western Regional Jail as a defendant in this civil action. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** the Western Regional Jail's Motion to Dismiss (ECF No.

13); **DISMISSES** the complaint against the Western Regional Jail; and **REMOVES** the Western Regional Jail as a defendant in this civil action, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: June 21, 2017

  
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ROBERT C. CHAMBERS, CHIEF JUDGE